

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUSTIN BAERGA; STEVEN GREENE; GIOVANNA
SANCHEZ-ESQUIVEL; and SARAH ARVIO,
individually and on behalf of all others similarly
situated, and COMMUNITY ACCESS, INC.;
NATIONAL ALLIANCE ON MENTAL ILLNESS OF
NEW YORK CITY, INC.; and CORRECT CRISIS
INTERVENTION TODAY - NYC,

Plaintiffs,

X

No. 21-cv-05762 (PAC)

-against-

CITY OF NEW YORK; BILL DE BLASIO; DERMOT
F. SHEA; NYPD POLICE OFFICER KRZYSZTOF
WNOROWSKI; NYPD POLICE OFFICER SHERON;
NYPD POLICE OFFICER McDOWELL; NYPD
POLICE SERGEANT NATHAN MOLE; NYPD
POLICE OFFICER MARTIN HABER; NYPD POLICE
SERGEANT GBAIN; NYPD POLICE OFFICER
VIKRAM PRASAD; NYPD POLICE OFFICER
ANDRE DAWKINS; NYPD POLICE OFFICER
TYRONE FISHER; NYPD POLICE OFFICER
DEVIENDRA RAMAYYA; NYPD POLICE OFFICER
JULIAN TORRES; NYPD OFFICER SANCHEZ, and
NYPD OFFICERS JOHN and JANE DOES # 1-40,

Defendants.

**DECLARATION OF
STEVEN GREENE IN
SUPPORT OF PLAINTIFFS'
APPLICATION FOR A
TEMPORARY
RESTRAINING ORDER
AND PRELIMINARY
INJUNCTION**

X

STEVEN GREENE declares under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am one of the Plaintiffs in this lawsuit and I submit this declaration in support of our request for a temporary restraining order and preliminary injunction prohibiting the Defendants, including the City of New York, from enforcing the City's Mental Health Involuntary Removals policy.

2. I am a 27-year-old Black male diagnosed with post-traumatic stress disorder (“PTSD”), Attention Deficit Disorder (“ADD”), and an injured hip.

3. I currently live in Community Access housing in New York City and receive Social Security Disability benefits.

4. On May 6, 2020, at approximately 12:30 a.m., armed NYPD officers and EMS personnel arrived at my apartment.

5. One of the Defendant officers stated that my social worker had called them, and that they were there to “check on” me. The Defendant Officer informed me that I would need to talk to the NYPD’s Emergency Services Unit (“ESU”).

6. I responded that I understood.

7. The ESU personnel then asked me if I was suicidal.

8. I responded that I was not suicidal, that I did not tell anyone that I was suicidal, and that I did not have medical problems.

9. Nonetheless, the EMS employee said that, because an unidentified social worker had reported that I was suicidal, they had to take me to the hospital.

10. I believe the 911 call was not made by a social worker, but rather was made by my ex-girlfriend as a means to harass me.

11. I had been on the phone with my fiancé when NYPD and EMS arrived, and I resumed talking with her after they arrived.

12. An NYPD officer took my phone and began speaking with my fiancé, who told the officer that I was not suicidal.

13. I stated that I did not want to go to the hospital and walked back inside my apartment.

14. The officers then followed me into my apartment and began grabbing me.

15. I asked them to stop touching me.

16. I became increasingly anxious and told the officers that I have PTSD, ADD, and an injured hip, and repeatedly asked the officers to stop touching me.

17. The officers handcuffed me and dragged me against my will down the steps, forcing me out of my apartment.

18. Rather than de-escalate the interaction, the officers and the EMTs then forced me onto a gurney and strapped me down.

19. The EMTs and Defendant officers placed me inside an ambulance.

20. Inside the ambulance, I repeatedly said that the stretcher straps and handcuffs were too tight and that my arms felt numb, but the EMS personnel refused to loosen the straps or cuffs.

21. I explained to the EMS personnel that it was impossible that my social worker had called 911 because the social worker did not work after 5 p.m. and thus could not have learned I was suicidal (which I was not) in the middle of the night.

22. I also told them that they should not barge into the apartment of someone who has PTSD because it is triggering.

23. I was taken to North Central Bronx Hospital, where I remained for a few hours until I was released.

24. I was detained and taken to the hospital against my will because I was designated an “EDP” and I was subjected to excessive and unnecessary force, as well as extensive emotional trauma. I was not charged with any crime.

25. I suffered bruising and abrasions to my chest, arms, and head.

26. This was not the first time the City and NYPD officers unlawfully forced me to be hospitalized against my will.

27. I have been forced to suffer involuntary hospitalizations on at least three occasions.

28. These frequent occurrences have caused me to suffer immensely and have exacerbated my existing PTSD.

29. Since the Mayor’s announcement of the City’s Mental Health Involuntary Removals policy on November 29, 2022, I live in a constant state of fear that the City and the NYPD will forcibly hospitalize me against my will simply for being an individual with a mental disability.

30. As a result of the Mayor’s announcement, I am afraid to leave my apartment. I am now constantly fearful that my mental disability will cause an NYPD officer to forcibly and violently detain me and hospitalize me against my will.

31. My PTSD has been exacerbated by this announcement.

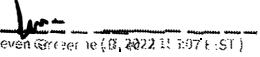
32. Given my prior detentions and my mental disability, the newly-announced policy makes it more likely that I will be involuntarily committed against my will.

33. The announcement lowers the standard so far that my simple existence in my neighborhood can give the NYPD officers the right to detain me and hospitalize me against my will.

Dated: New York, New York
December 7, 2022

SG

Steven Greene

Signature: 
Steven Greene 12/7/2022 11:397 ET ST

Email: greenesteven29@gmail.com